

**AN ORDINANCE**

**04-0-0657**

**BY COMMUNITY DEVELOPMENT AND HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO PURCHASE PROPERTY FROM THE TRUST FOR PUBLIC LAND LOCATED IN THE KIRKWOOD NEIGHBORHOOD IN THE CITY OF ATLANTA ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION, AND CULTURAL AFFAIRS, WHEREAS THE TOTAL COST OF ACQUISITION TO THE CITY IS \$135,700.00, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS TO BE CHARGED TO AND PAID FROM PARK IMPACT FEE FUND ACCOUNT CENTER 1C28-771001-Y63D10099991 KIRKWOOD/ EDGEWOOD PARKS AND OPEN SPACE (DEKALB COUNTY); AND FOR OTHER PURPOSES.**

**WHEREAS**, Ordinance 03-O-0666, adopted by the Council on May 5, 2003, and approved by the Mayor on May 13, 2003, allocated \$502,004.60 to cover the cost of land acquisition for Kirkwood/Edgewood Parks and Open Space; and

**WHEREAS**, projects identified in Ordinance 03-O-0666 have been completed and have funds remaining in project accounts; and

**WHEREAS**, the Department of Planning and Community Development and the Department of Parks, Recreation, and Cultural Affairs, the Kirkwood Neighborhood Organization, and the Trust for Public Land have identified additional projects that will expend remaining funds; and

**WHEREAS**, the Properties are located within the confines of the Kirkwood/Edgewood project area; and

**WHEREAS**, the Trust for Public Land has agreed to help in the acquisition and preservation of the Property by working with (1) the City Department of Planning and Community Development and the Department of Parks, Recreation, and Cultural Affairs, (2) the present owner of the Property, (3) the Kirkwood Neighborhood Organization and (4) the Arthur M. Blank Family Foundation to secure a grant to fund a portion of the purchase price for the Property; and

**WHEREAS**, the Trust for Public Land has applied for grant funds in a total amount anticipated to be \$202,521.00 from the Arthur M. Blank Family Foundation to fund a portion of the cost to acquire the Property, and will convey the property to the City at full cost less the amount of said grant; and

**WHEREAS**, the total cost to the City of Atlanta will be \$135,700.00.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

**SECTION 1:** That the Mayor or her designee is hereby authorized to purchase from the Trust for Public Land three tracts of real property in the Kirkwood neighborhood as shown and described in the following table.

Parcel	Parcel ID No.	Acres
Parcel 1: Dearborn Street	15-0206-0004-131-9	0.32
Parcel 2: Dearborn Street	15-0206-0004-051-9	0.32
Parcel 3: Bixby Street	15-0206-0004-060 and 15-0206-0004-061	0.64
<b>Total Acquisition</b>		<b>1.28</b>

**SECTION 2:** That the Mayor or her designee is hereby authorized to obtain surveys, title reports, and appraisals and to establish estimate of just compensation based thereon to be offered the Trust for Public Land.

**SECTION 3:** That associated acquisition costs, including but not limited to surveys, environmental assessments, appraisals, title reports, and other closing costs, but excluding professional service fees, be charged to and paid from Park Impact Fee fund account and center 1C28-771001-Y63D10099991, Kirkwood/Edgewood Parks and Open Space (DeKalb County).

**SECTION 4:** That the requirements of City Code Section 2-1541 (d) of the Procurement and Real Estate Code are waived to allow the purchase of property on behalf of the City without further authorization of City Council.

**SECTION 5:** That if negotiations with the affected property owners fail, the City Attorney is authorized to use all means necessary and within her/his power, up to and including Condemnation to acquire the necessary real property interests; and, the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle Condemnation proceedings and pay for such services without further authorization from City Council.

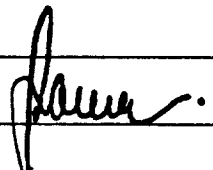
**SECTION 6:** That the City Attorney, or her/his designee, if necessary, is hereby authorized to institute condemnation proceedings pursuant to the appropriate method allowed by applicable law.

**SECTION 7:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Commissioner Signature: 

Director Signature: 

From: Department of Planning  
and Community Development

Contact (name): Terrilyn Rolle ext. 6787

Committee(s) of Purview: Community Development  
and Human Resources

Committee Deadline: April 16, 2004

Committee Meeting Date: April 27 & May 11, 2004 City Council Meeting Date: May 3, & 17, 2004

CAPTION:

AN ORDINANCE

BY COMMUNITY DEVELOPMENT AND HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO PURCHASE PROPERTY FROM THE TRUST FOR PUBLIC LAND LOCATED IN THE KIRKWOOD NEIGHBORHOOD IN THE CITY OF ATLANTA ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION, AND CULTURAL AFFAIRS, WHEREAS THE TOTAL COST OF ACQUISITION TO THE CITY IS \$135,700.00, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS; AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

The acquisition of these parcels will contribute to the already implemented Kirkwood Greenway that will connect City parks, public schools, soccer fields, and community facilities in the Kirkwood neighborhood as well as providing stream buffers.


FINANCIAL IMPACT (IF ANY):


\$135,700.00 for land acquisition.

Received by Mayor's Office:

Reviewed:

Submitted to Council:

4.13.04   
(date)

  
(initials) (date)

                      
(date)

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended ☐ Substitute ☐ Referred ☐ Other

**AN ORDINANCE BY  
COUNCIL MEMBER NATALYN ARCHIBONG AS SUBSTITUTED  
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO PURCHASE PROPERTY FROM THE TRUST FOR PUBLIC LAND LOCATED IN THE KIRKWOOD NEIGHBORHOOD IN THE CITY OF ATLANTA ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION, AND CULTURAL AFFAIRS, WHEREAS THE TOTAL COST OF ACQUISITION TO THE CITY IS \$502,004.60, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS; AND FOR OTHER PURPOSES.**

**WHEREAS**, Ordinance 01-0-1697, adopted by the Council on November 19, 2001, and approved by the Mayor on November 27, 2001, allocated Georgia Greenspace (DeKalb) grant funds to cover the cost of land acquisition for Kirkwood/Edgewood Parks and Open Space; and

**WHEREAS**, the Properties are located within the confines of the Kirkwood/Edgewood project area; and

**WHEREAS**, the Trust for Public Land has agreed to help in the acquisition and preservation of the Property by working with (1) the City Department of Planning, Development, and Neighborhood Conservation and the Department of Parks, Recreation, and Cultural Affairs, (2) the present owner of the Property, (3) the Kirkwood Neighborhood Organization and (4) the Arthur M. Blank Family Foundation to secure a grant to fund a portion of the purchase price for the Property; and

**WHEREAS**, the Trust for Public Land has applied for grant funds in a total amount anticipated to be \$312,855.00 from the Arthur M. Blank Family Foundation to fund a portion of the cost to acquire the Property, and will convey the property to the City at full cost less the amount of said grant; and

**WHEREAS**, the total cost to the City of Atlanta will be \$502,004.60.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**SECTION 1:** That the Mayor or her designee is hereby authorized to purchase from the Trust for Public Land three tracts of real property in the Kirkwood neighborhood as shown and described in the following table.

Parcel	Parcel ID No.	Acres
Parcel 1: Woodbine Ave.	15-210B03-005	0.3
Parcel 2: Dixie Street	15-206C04-7,8,11; 15-206C03-10; and 15-206C05-21-26	4.8
Parcel 3: Memorial Drive	15-207D-C02-11 and 12	2.6
<b>Total Acquisition</b>		<b>7.7</b>

**SECTION 2:** That the Mayor or her designee is hereby authorized to obtain surveys, title reports, and appraisals and to establish estimate of just compensation based thereon to be offered the Trust for Public Land.

**SECTION 3:** That accrued interest accumulating in the following accounts is hereby transferred as follows:

**Transfer from:**

1B02-793001-Y63U0211KTB0	\$1,299.17
1B02-771001-Y63U0211KTB0	7,639.27
1B02-729029-Y63U0211KTB0	808.52
<b>TOTAL</b>	<b><u>\$9,746.96</u></b>

**Transfer to:**

1B02-771001- Kirkwood/Edgewood Parks and	\$9,746.96
Y63D1009KTB0 Open Space (DeKalb County)	

**SECTION 4:** That the Chief Financial Officer is hereby authorized to use accrued interest accumulating in account 1B02-661001-J53X0210KTD0 in the amount of \$429.15 and to appropriate this interest to 1B02-771001-Y63U0211KTD0, and to transfer interest in the accounts shown below in the amount of \$1,144.49, for a total of \$1,573.64:

**Transfer from:**

1B02-793001-	\$1,144.49
Y63U0211KTD0	

**Transfer to:**

1B02-771001- Kirkwood/Edgewood Parks and	\$1,144.49
Y63U0211KTD0 Open Space (DeKalb County)	

**SECTION 5:** That the following fund, account, and center numbers in the following amounts are to be used for the payment of charges, including but not limited to surveys, environmental assessments, appraisals, title reports, and other closing costs, but excluding consultant service fees, as required by the funding source.

1B02-771001-	Kirkwood/Edgewood Parks and	\$201,095.96
Y63D1009KTBO	Open Space (DeKalb County)	
1C28-771001-	Kirkwood/Edgewood Parks and	150,000.00
Y63D10099991	Open Space (DeKalb County)	
1B02-771001-	DNR Georgia Greenspace Program	
Y63U0211KTDO	(DeKalb County)	150,908.64
<b>TOTAL</b>		<u><b>\$502,004.60</b></u>

**SECTION 6:** That the Chief Financial Officer is hereby authorized to transfer \$3,620 from and to the following accounts:

**Transfer From:**

1C28-792001-	Park Impact Fees	\$3,620
T31X04109991	Reserve Designated - D.I.F. Admin	

**Transfer To:**

1C28-724001-	Consultant Services - Kirkwood	\$3,620
Y63D10099991		

**SECTION 7:** That the requirements of City Code Section 2-1541 (d) of the Procurement and Real Estate Code are waived to allow the purchase of property on behalf of the City without further authorization of City Council.

**SECTION 8:** That the deed for each tract is to be recorded containing appropriate covenants, restrictions or easements as necessary in order to satisfy the requirements of the Georgia Greenspace Program, which shall provide that the Property shall be permanently preserved as greenspace with passive recreation for the benefit of the public.

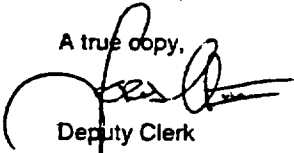
**SECTION 9:** That consultant services for acquisition of the properties on the City's behalf shall be charged to and paid from fund account center 1C28 724001 Y63D10099991 in an amount not to exceed \$3,620.00.

**SECTION 10:** That if negotiations with the affected property owners fail, the City Attorney is authorized to use all means necessary and within her/his power, up to and including Condemnation to acquire the necessary real property interests; and, the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle Condemnation proceedings and pay for such services without further authorization from City Council.

**SECTION 11:** That the City Attorney, or her/his designee, if necessary, is hereby authorized to institute condemnation proceedings pursuant to the appropriate method allowed by applicable law.

**SECTION 12:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,



Deputy Clerk

**ADOPTED** by the City Council  
**APPROVED** by the Mayor

May 5, 2003  
May 13, 2003

RCS# 4709  
5/05/03  
6:24 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-15: Except 03-R-0616; 03-O-0672  
03-R-0629; 03-O-0449  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I



---

**5/05/03 FULL COUNCIL MEETING**

---

**Items Adopted on the Consent Agenda**

1. 03-O-0654
2. 03-O-0657
3. 03-O-0664
4. 03-O-0673
5. 03-O-0674
6. 03-O-0675
7. 03-O-0676
8. 03-O-0548
9. 03-O-0666
10. 03-O-0652
11. 03-O-0107
12. 03-O-0495
13. 03-O-0540
14. 03-O-0567
15. 03-O-0568
16. 03-O-0573
17. 03-O-0594
18. 03-O-0661
19. 02-O-0680
20. 03-O-0435
21. 03-O-0547
22. 03-R-0596
23. 03-R-0597
24. 03-R-0599
25. 03-R-0603
26. 03-R-0604
27. 03-R-0605
28. 03-R-0607
29. 03-R-0366
30. 03-R-0618
31. 03-R-0619
32. 03-R-0620
33. 03-R-0621
34. 03-R-0622
35. 03-R-0623

**Items Adversed on the  
Consent Agenda**

58. 03-R-0641
59. 03-R-0642
60. 03-R-0643
61. 03-R-0644
62. 03-R-0646

---

Consent I Vote: 12 Yeas; 0 Nays: (See RCS #4709) (1<sup>st</sup> Consent Vote: 13 Yeas; 0 Nays  
(See RCS #4667); Reconsidered: 12 Yeas; 1 Nay (See RCS #4708))

Items Removed from the Consent Agenda: 03-R-0616; 03-O-0672; 03-R-0629; 03-O-0449